IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION (L) NO. 592 OF 2006

Smt. Savitri Devi Surendra Singh ... Petitioner

Versus

Slum Rehabilitation Authority and Ors. ... Respondents

Mr.V.Y. Sanglikar i/by K.N. Kandekar for Petitioner.

Mr. J.G. Reddy for R. No. 1.

Mr. M. More, A.G.P. for R. Nos. 2 to 4.

Mr. S.G. Surana for R. No. 6.

CORAM : F.I. REBELLO &
ANOOP V. MOHTA, JJ.
DATED : MARCH 13, 2006

P.C.

. Rule. Heard forthwith.

. It is the case of the Petitioner that by Order dated 29.4.2005 she was held eligible for 225 sq. aft. area for residential premises and similarly 225 sq. ft. for commercial premises. After so holding corrigendum came to be issued on 19.1.2006. By this corrigendum Respondent No. 1 held that in so far as residential is concerned, the entry was

shown in the name of Mr. Pralhad Singh and not the Petitioner herein and in so far as commercial is concerned, the Petitioner's entitlement was reduced from 225 sq. ft. to 100 sq. ft. No hearing was given to the Petitioner before effecting this change.

. Thereafter an appeal came to be preferred by the Petitioner herein before the Divisional Commissioner who by impugned order dated 8.3.2006 has dismissed the appeal. These are the orders which are subject matter of the present petition.

. After hearing the counsel for the parties, we are clearly of the opinion that the corrigendum issued on 19.1.2006 was issued without notice to the Petitioner and therefore, clearly in contravention of the principles of natural justice and fair play and consequently liable to be set aside and the matter be remanded back to the respondent No. 1 for hearing the Petitioner and any other person interested afresh. Consequently the appellate order dated 8.3.2006 is also liable to be set aside.

. In the light of that the corrigendum dated 19.1.2006 amending the order dated 29.4.2005 and the appellate order dated 8.3.2006 are quashed and set aside. The matter is remanded back to Respondent No. 1 after hearing the Petitioner and other interested parties to pass appropriate orders according to Law. Rule made absolute accordingly.

. On behalf of the Petitioner, the learned counsel makes a statement that as soon as the Petitioner is given an alternative transit accommodation, the Petitioner will shift from the present premises. Statement accepted. Petitioner not to be dispossessed untill alternative accommodation is made available to Petitioner.

(F.I. REBELLO,J.)

(ANOOP V. MOHTA,J.)